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March 30, 2009

William J. McGimley

BY COURIER

Jeff S. Jordan, Esquire Supervisory Attorney Office of the General Counsel Federal Election Commission 999 E Street, NW Washington, DC 20463

Rc:

MUR 6164

Friends of Mike Sodrel

And, Gregory M. Fitzloff, as Treasurer

Dear Mr. Jordan:

Please find attached the response of our clients, Friends of Mike Sodrel and Gregory M. Fitzlof as Treasurer, to the complaint filed against them in the above-referenced matter.

Please contact me with any questions.

Singerely

William J. McGinley

Attachment

BEFORE THE FEDERAL ELECTION COMISSION

In the matter of)		
)	MUR 6164	
Friends of Mike Sodrel)		
And, Gregory M. Fitzloff, as Treasurer)		

RESPONSE TO THE COMPLAINT FILED BY THE DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE

This responds on behalf of our clients, Friends of Mike Sodrel and Gregory M. Fitzloff, as Treasurer ("Respondents" or "Campaign"), to the Complaint filed against them by the Democratic Congressional Campaign Committee ("DCCC") in the above-referenced matter. The erroneous coordination allegations contained in the Complaint have already been examined and dismissed by the Federal Election Commission ("Commission") in MUR 5845. The Campaign denies the allegations made against it in the DCCC Complaint.

In MUR 5845, the Indians Democratic Party filed a complaint alleging coordination between Citizens for Truth ("CTF") and the Campaign arising from the same set of facts as this MUR. After reviewing the evidence submitted by the Campaign and CTF, the Commission dismissed MUR 5845. In this matter, the DCCC admits that the amount of funds expended by CTF was just over approximately \$10,000, a minimal amount. See Compl. at 2; see also Citizens for Truth, IRS Form 8872 2006 Post-General Report and 2006 Year-End Report. This stands in comparison to the amount of funds raised and spent by the Campaign during the 2006 election cycle which total over \$2,400,000. See Friends of Mike Sodrel, 2006 Post-General Report. This means that both the Campaign and the Commission must expend resources for the second time concerning erroneous allegations involving, at most, minimal amounts of activities.

The Commission must put an end to this type of harassment campaign. Political opponents should not be permitted to abuse the complaint process by filing multiple complaints against same individuals and organizations concerning the same allegations, especially if the allegations have

already been reviewed and dismissed by the Commission in a previous enforcement action. See Heckler v. Chaney, 470 U.S. 821 (1985); see also Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 72 Fed. Reg. 12545 (2007). For all the foregoing reasons, the Commission should dismiss the complaint, take no further action, and close the file in this matter.

Respectfully submitted

Benjamin L. Ginsberg William J. McGinley

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March 30, 2009